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Assistant secretary of labor kicks off seminar on achieving a culture of prevention in the mining industry *Enhanced enforcement strategies are working, says MSHA's Joseph Main*

ARLINGTON, Va. – Despite a number of challenges confronting the mining industry over the past two and a half years, including the worst coal mine disaster in four decades, the actions being taken by the U.S. Labor Department's Mine Safety and Health Administration and many in the industry are making a positive difference and moving mine safety and health in the right direction. That was the central theme of Assistant Secretary of Labor for Mine Safety and Health Joseph A. Main's remarks delivered today at "Measuring Progress Toward a Safety Culture of Prevention in Mining," a one-day seminar sponsored by Pennsylvania State University's Miner Training Program near Pittsburgh, Pa.

"Following the April 2010 explosion of the Upper Big Branch Mine, one of my most significant challenges was keeping MSHA focused on our overall mission and agenda to advance mine safety," said Main. "That tragedy clearly identified that more needed to be done to provide miners with a voice in the workplace, and that MSHA needed to more aggressively use its tools under the Mine Act to enforce the law. We began taking actions immediately after the disaster, and we are still continuing to implement a number of initiatives to make mines safer."

Three months ago, the agency released the results of its internal review into actions leading up to and immediately following the UBB explosion, including recommendations for improving MSHA's effectiveness. "We are changing how we do business at MSHA," said Main. To that end, the agency has undertaken a comprehensive review of its policy directive system, as well as a complete overhaul of its coal mine inspectors' handbook to make it clear and concise. MSHA also is increasing staff training and addressing shortcomings repeatedly identified in several past agency internal reviews.

The enhanced enforcement strategies MSHA is implementing are working, according to Main. During the more than two-year-old impact inspection program, which targets mines with chronic compliance issues, MSHA has conducted 443 inspections, resulting in 7,948 citations, 785 orders and 29 safeguards.

"Overall compliance is improving at these mines," he said. Violations per inspection hour are down 13 percent after mines received an initial impact inspection. The significant and substantial, or S&S, violation rate is down 21 percent and 104(d) withdrawal orders are down 43 percent. The total lost-time injury rate at these mines is down 13 percent. Main added, "Unfortunately, there are some mine operators that still haven't gotten the message."

Main noted also that the agency's pattern of violations initiative is netting positive results. In a recent review of enforcement data on the 14 mines that received initial potential POV notices in 2010, the total violation rate at these mines is down 25 percent, the total S&S violation rate is down 44 percent and the rate of 104(d) withdrawal orders is down 66 percent. The lost-time injury rate at these mines has dropped 43 percent.

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Compliance data also show that improvements are occurring in the mining industry as a whole. In 2011, MSHA inspected about 14,170 mines and issued 157,678 citations and orders. This is down from 2010, when MSHA issued 171,018 citations and orders. In 2011, MSHA issued 49,582 S&S and 2,920 unwarrantable failure citations and orders, down from 56,502 S&S and 3,370 unwarrantable issued in 2010, a decrease of about 9 percent.

Main outlined other important initiatives currently being implemented:

- **“Rules to Live By”:** This multiphase initiative focused in phase one on the most common mining deaths and standards cited most often in mining death investigations. Phase two focused on preventing catastrophic accidents, and phase three highlights 14 safety standards chosen because violations related to each have been cited as contributing to at least five mining accidents and at least five deaths during a 10-year period.
- **Regulatory Actions:** New rules have been issued requiring more rock dusting in underground mines to prevent explosions and thorough examinations of underground coal mines to improve compliance and prevent injuries, illnesses and deaths. MSHA’s final rule on examinations in underground mines, effective Aug. 6, mandates operators to identify and correct violations of standards related to ventilation, methane, roof control, combustible materials, rock dust and guarding. (Forty-nine percent of all violations in 2011 were cited at underground coal mines, even though these mines represent just 5 percent of all mines inspected.)
- **Mine Emergency Response:** Significant progress has been made through the development of new technologies to aid mine rescue, improving command and control preparedness and engaging the mining community in a dialogue to identify and implement additional improvements.
- **Guarding Compliance:** Two years ago, the most commonly cited violations involved guarding of equipment and conveyer belts in metal and nonmetal mining. Following the publication of “Guarding Conveyer Belts at Metal and Nonmetal Mines,” compliance has improved and guarding citations and orders are down 40 percent from 2010 levels.
- **Stakeholder Outreach:** Meetings have been held with industry stakeholders on the front end of new initiatives, and MSHA has provided them with the same education and training that inspectors receive.
- **Consistency in mine inspections:** MSHA improved oversight of the inspection program and consistency in the enforcement of the Federal Mine Safety and Health Act of 1977 with a new training program for all field office supervisors. To date, all supervisors have received the training and will receive retraining every two years.

In 2011, 37 miners died in work-related accidents at the nation’s mines – the second lowest figure since statistics have been recorded. “As low as those numbers are, we all know that one death is one too many and that mining deaths are preventable,” said Main. “The distance to zero is much shorter than in 1977, when the Mine Act went into effect. I know we all share the goal of zero fatalities.”

Editor’s note: All figures based on data through March 2012.

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